IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 24TH JANUARY 2007 / 4TH MAGHA 1928

WP(C).No. 2870 of 2007(N)

PETITIONERS:

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1. P.RAMAN CHETTIAR,
   CONDUCTOR GRADE-II(RTD), PALKKAD DEPOT,
   RESIDING AT THEKKEKOCHILLATHU CHERUVALLY,
   KAVUMBHAGAM P.O., THEKKETHUKAVALA, KOTTAYAM.

2. O.K.KUMARAN,
   CONDUCTOR GRADE II(RTD), KOTTAYAM DEPOT,
   RESIDING AT "OTTAKANJIRAM" HOUSE,
   PANANACHIKKADU, KUZHIMATTOM P.O., KOTTAYAM.

3. C.M.SASIDHARAN, CONDUCTOR GRADE II(RTD),
   KOTTAYAM DEPOT, RESIDING AT "CHATHIMATTOM,
   PAMBADI P.O., KOATTAYAM.

BY ADV. SRI.MURALI PURUSHOTHAMAN
SRI.P.M.BENZIR
SRI.DEEPU LAL MOHAN

RESPONDENTS:

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1. KERALA STATE ROAD TRANSPORT CORPORATION,
   REPRESENTED BY ITS MANAGIND DIRECTOR,
   TRANSPORT BAHVAN, THIRUVANANTHAPURAM.

2. STATE OF KERALA, REPRESENTED BY THE
   SECRETARY TO GOVERNMENT, DEPARTMENT OF
   TRANSPORT, GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM.

R1 BY ADV.MR.JOHNSON P.JOHN, S.C. FOR K.S.R.T.C.
R2 BY GOVT. PLEADER MR.MATHEW G.VADAKKEL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C)No.2870 of 2007

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Dated: 24th January, 2007

JUDGMENT

Adv.Mr.Johnson P.John, Standing Counsel takes notice on behalf of the K.S.R.T.C.

2. The grievance of the petitioners is that the provisional service which they had rendered with the Corporation prior to their regularisation is not being taken into account for the purposes of increments and pensionary benefits. The issue is obviously covered by the Division Bench decision of this court in **Idicula Abraham v. K.S.R.T.C. & Others** (2005(2) K.L.J. 602). Accordingly, the Writ Petition will stand allowed. There will be a declaration that the petitioners are entitled for counting the provisional service rendered by them in the Corporation along with their regular service for the purpose of quantifying pension and pensionary benefits. There will be a direction to the respondent-Corporation to disburse to the petitioners all the pensionary benefits including monthly pension, commuted value of pension and D.C.R.G. by reckoning the service rendered by them as provisional employees in the Corporation. All monetary benefits flowing out of the above declaration and direction will be released by the respondent to the petitioners at the earliest and at any rate within two

months of receiving a copy of this judgment. But as regards the amounts payable by way of D.C.R.G. and Commuted Value of Pension the Corporation can follow the guidelines formulated in pursuance to the judgment of the Division Bench of this court in W.A.No.289/2001.

srd **PIUS C.KURIAKOSE, JUDGE**